

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BRYCE ROSEMORE,

Plaintiff,

v.

MINERAL COUNTY SHERIFF'S OFFICE,
et al.,

Defendants.

Case No.: 3:21-CV-00451-RCJ-CLB

ORDER ADOPTING AND ACCEPTING
REPORT AND RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE
(ECF NO. 5)

Before the Court is the Report and Recommendation of United States Magistrate Judge Carla L. Baldwin, (ECF No. 5¹) entered on January 13, 2022, recommending that the Court grant Plaintiff Bryce Rosemore's ("Rosemore") IFP application (ECF No. 1), and dismiss his complaint (ECF No. 1-1) with prejudice as to certain defendants.

This action was referred to Magistrate Judge Baldwin under 28 U.S.C. § 636(b)(1)(B) and Local Rule IB 1-4 of the Rules of Practice of the United States District Court for the District of Nevada.

¹ Refers to Court's docket number.

1 The Court has considered the pleadings and memoranda of the parties and other relevant
2 matters of record pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule IB 3-2.

3 **IT IS HEREBY ORDERED** that Magistrate Judge Baldwin’s Report and
4 Recommendation (ECF No. 5) is **ADOPTED and ACCEPTED**.
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6 **IT IS FURTHER ORDERED** that Rosemore’s application to proceed *in forma pauperis*
7 (ECF No. 1) is GRANTED. The Clerk of the Court shall file the complaint (ECF No. 1-1).

8 **IT IS FURTHER ORDERED** that Rosemore’s complaint (ECF No. 1-1) is
9 **DISMISSED, WITH PREJUDICE**, as to his claims against Mineral County Sheriff’s Office,
10 Hawthorne Justice Court, Mike James, Mineral County District Attorney’s Office, Sean Rowe,
11 and T. Jarren Stranton.
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13 **IT IS FURTHER ORDERED** that Rosemore’s complaint (ECF No. 1-1) is
14 **DISMISSED WITHOUT PREJUDICE, AND WITH LEAVE TO AMEND**, as to his Fourth
15 Amendment claim against Defendants Ferguson and Angiano, only.
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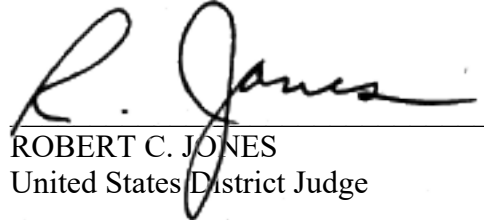
17 **IT IS FURTHER ORDERED** that Rosemore may file an amended complaint within 30
18 days of entry of this Order. Rosemore shall clearly title the amended pleading as “AMENDED
19 COMPLAINT.” Rosemore shall correct the deficiencies as to his Fourth Amendment claim
20 against Defendants Ferguson and Angiano, only. The amended complaint must be complete in
21 and of itself without referring or incorporating by reference any previous complaint. Any
22 allegations, parties, or requests for relief from a prior complaint that are not carried forward in
23 the amended complaint will no longer be before the court.
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25 **IT IS FURTHER ORDERED** that if Plaintiff fails to file an amended complaint within
26 30 days of entry of this Order, the action may be dismissed.
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1 **IT IS FURTHER ORDERED** that the Clerk of the Court shall enter judgment
2 accordingly.

3 **IT IS SO ORDERED.**

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5 Dated this 2nd day of March, 2022.

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8 ROBERT C. JONES
9 United States District Judge
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